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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 CHRISTOPHER LEON SMITH,

12 Plaintiff,

13 v.

14 PIERCE COUNTY CORRECTIONS
FACILITY, *et al.*,

15 Defendants.
16

No. C09-5473 BHS/KLS

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
DIRECTING INSTITUTION TO
CALCULATE, COLLECT, AND
FORWARD PAYMENTS

17
18 Before the Court is Plaintiff's application to proceed in forma pauperis. Dkt. 1. Plaintiff
19 proposes to file what he has designated as a "Petition for Writ of Habeas Corpus (2241)". Dkt. 1-2.
20 However, upon review, the Court finds that Plaintiff is attempting to file a complaint under 42
21 U.S.C. § 1983. Accordingly, the Court does hereby find and ORDER:

22 Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security
23 therefor. Accordingly, Plaintiff's application to proceed as a pauper is **GRANTED**. As set forth
24 below, an initial partial filing fee will be collected, and Plaintiff is required to make
25 monthly payments of 20 percent of the preceding months income credited to his/her
26 account until the full amount of the filing fee is satisfied.

ORDER - 1

1 Pursuant to 28 U.S.C. § 1915 and Plaintiff's approved application to proceed *in forma*
2 *pauperis*, the agency having custody of the above named Plaintiff is directed to calculate an
3 initial partial filing fee equal to 20 percent of greater of -- the average monthly deposits to the
4 prisoner's account or the average monthly balance in the prisoner's account for the 6-month period
5 immediately preceding the date of this Order. The initial partial filing fee should be forwarded
6 to the Court Clerk as soon as practicable.
7

8 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is directed
9 to collect and forward payments equal to 20 percent of the prisoner's preceding month's income
10 credited to the prisoner's account. In the event that the monthly payment would reduce the
11 prisoner's account below \$10.00, the agency should collect and forward only that amount which
12 would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit does
13 not apply to the initial partial filing fee described above. Finally, the monthly payments should
14 be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter has
15 been paid.
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17 The Clerk is directed to send plaintiff a copy of this Order and the General Order, and a
18 copy of this Order along with a copy of Plaintiff's Acknowledgment and Authorization portion of
19 the IFP application to the attention of the inmate account manager of the Pierce County Jail,
20 Tacoma, Washington.
21

22 DATED this 4th day of September, 2009.

23
24 
25 Karen L. Strombom
26 United States Magistrate Judge